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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554  
OFFICE OF THE SECRETARY

In the Matter of

Amendment of the Commission's  
Rules to Establish New Personal  
Communications Services

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GEN Docket 89-314  
ET Docket 92-100  
et al

PETITION FOR RECONSIDERATION

PCS Network, Inc. ("PCS Network") hereby requests that the Commission reconsider its denial of the Pioneer Preference Request filed by PCS Network on May 4, 1992 and subsequently returned as unacceptable.

Recent events and ongoing developments in the PCS arena lead us to believe that the Commission acted hastily and in an uninformed manner in refusing to accept PCS's Request for Pioneer Preference.

I. INTRODUCTION

PCS Network was formed for the purpose of promoting various forms of Personal Communications concepts, most specifically the idea that paging systems could be used to establish telephone calls to mobile terminals. PCS'Network's original Experimental Licenses called for such developments to be geared to the 900 MHz band, since it was believed that three full MHz would be made available for such a concept. However, various Commission actions in the last year have indicated the Commission's wish that telephony be included in the 2 GHz Emerging Technologies Band.

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As a result of these "signals" from the Commission, PCS decided to reassess its thinking in finding a spectrum home for its proposed "COMPATIBLE DIGITAL DATA SERVICE" ("CDDS"). Thus PCS Network began to ignore the 900 MHz band.

However, subsequent filings by others for interactive or acknowledgement paging services, and the apparent decision by the Commission to recognize these as legitimate services within Part 99, strengthens PCS's argument to have its petition reinstated at this time.

#### DISCUSSION

PCS Network, Inc. believes that the Commission should re-evaluate its initial decisions in denying several dozen Pioneer Preference Petitions, because such denials were highly premature. Only now are comments being submitted on the NPRM released in August 1992. Therefore PCS, and others, had no way of ascertaining whether their ideas were being incorporated, and to what extent, in the Commission's plan of how Personal Communications Services should be structured. Only after August 14th could the world know how the service might work, and how licensing would be accomplished.

In its August 14th document the Commission proposed that a new Part of the Commission's Rules be created (Part 99), under which most of the services would be offered, including quasi-paging and limited functionality services; the remainder would be regulated under Part 15 revisions.

Unless the Commission had prejudged and pre-decided what it wanted PCS to "look like", it could not have made an informed decision when it denied PCS Network's request for a Pioneer Preference. Indeed, the Commission still cannot make a decision on the PCS Pioneer Preference(s) until the Report and Order is issued.

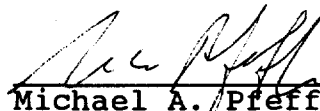
Recently, Pagemart and Pagenet wrote to the Commissioners asking that the Docket 92-100 be severed from Docket 90-314 so as to permit rapid action on the former, since the spectrum in question was completely vacant (except for experimenters) and fast-track development was both possible and desirable. (A copy of that filing is attached).

We subsequently filed supporting comments in another letter to the Commissioners. In it we also showed that only about 50% of the available spectrum was needed to satisfy the needs of the thirteen Pioneer Preference Petitioners. Six of the filings called for two-way or acknowledgement-like paging devices, with separate return channels necessary for implementation. In light of PCS Network's work in this field for well over a year prior to the filing of the Preference request, and evidenced by its Experimental Licenses, we believe the Commission erred in returning the Pioneer Preference request.

Therefore, we ask that it be reinstated nunc pro tunc and be made part of the Docket 92-100 Proceeding.

Respectfully submitted,  
PCS Network, Inc., a division  
of Drivefone, Inc.

BY:

  
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Michael A. Pfeffer  
President

October 2, 1992